

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

LONNIE CAMMON, (AIS #236498),

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Plaintiff,

*

V.

2:06-cv-674-WKW

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DOCTOR SEDIET
and PRISON HEALTH SERVICES,

*

Defendants.

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MOTION TO DISMISS FOR FAILURE TO COMPLY WITH COURT ORDER

COME NOW Defendants Prison Health Services, Inc. (identified in the Plaintiff's Complaint as "Prison Health Services" and incorrectly as "P.M.S. 'Prison medical Services'" in his amended Complaint) (hereinafter PHS) and Tahir Siddiq, M.D. (incorrectly identified in the Plaintiff's Complaint as "Doctor Sedit") and move the Court, pursuant to its Order of August 14, 2006, to issue an Order dismissing this lawsuit for failure to comply with Court Order and in support thereof show as follows:

1. On July 31, 2006, the Plaintiff filed a Complaint against PHS, the company that contracts with the Alabama Department of Corrections to provide healthcare to inmates in the State of Alabama, and Dr. Siddiq, the Medical Director for Bullock County Correctional Facility.
2. On August 11, 2006 the Defendants filed a Motion to Dismiss, or, in the Alternative, Motion for More Definite Statement based on Plaintiff's failure to state a claim against these Defendants.
3. The Court granted the Defendants' motion on August 14, 2006.

4. The Court subsequently ordered the Plaintiff to amend his Complaint to state claims against the Defendants with specificity. Specifically, the Court ordered:

The plaintiff shall file an amendment to his complaint which (i) specifically describes how the defendants violated his constitutional rights, and (ii) asserts with clarity those factual allegations material to his claims for relief.

The Court specifically warned:

The plaintiff is **cautioned** that failure to respond to this order will result in a recommendation that this case be dismissed.

5. On August 23, 2006, the Plaintiff amended his Complaint. However, he has failed to state any claim against these Defendants as was required pursuant to Court Order. The Plaintiff's amendment only added that Dr. Siddiq failed to provide him with adequate medical care on two dates. The Plaintiff has not, however, provided any information establishing how either Dr. Siddiq or PHS is alleged to have acted inappropriately. Since there is no description of what these Defendants have done wrong, these Defendants cannot provide a responsive pleading to the Plaintiff's amended Complaint. The Plaintiff has failed to obey this Court's Order to amend with specificity.

WHEREFORE PHS and Dr. Siddiq move this Honorable Court to dismiss this action, with prejudice, for failure to obey this Court's Order of August 14, 2006.

Respectfully submitted,

s/L. Peyton Chapman, III
Alabama State Bar Number CHA060
s/R. Brett Garrett
Alabama State Bar Number GAR085
Attorneys for PHS and Dr. Siddiq

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served by U.S. Mail

this the 1st day of September, 2006, to:

LONNIE CAMMON, (AIS #236498)
Bullock Correctional Facility
P.O. Box 5107
Union Springs, AL 36089

s/R. Brett Garrett GAR085
Attorney for PHS and Dr. Siddiq